

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 5 CASES LISTED IN
EXHIBIT A TO PLAINTIFFS' NOTICE OF
ADOPTION

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE REGARDING STEPHEN
M. FACTOR, M.D., FOR WAVE 5**

In Wave 5, Plaintiffs have adopted their Wave 1 briefing filed against Dr. Stephen M. Factor. [Dkt. 4336] (adopting Dkt. 2015 (motion) and Dkt. 2020 (memorandum)). In its Wave 1 ruling, the Court reserved ruling in part and denied Plaintiffs' motion in part. *In re: Ethicon Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, No. 2327, 2016 WL 4944765, at *3 (S.D. W. Va. Aug. 26, 2016). For Wave 5, Defendants hereby adopt and incorporate by reference the *Daubert* response filed in relation to Stephen M. Factor, M.D., for Ethicon Wave 1, Dkt. 2135.

For the reasons stated in Defendants' Wave 1 briefing [Dkt. 2135], Plaintiffs' motion should be denied in its entirety. Alternatively, the Court should reserve ruling in part and deny Plaintiffs' motion in part as it did in Wave 1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

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